IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.1334 OF 1995

Shri Laxman Malu Chavan Appellant

Vs.

Jayashri Jayant Kulkarni & anr. Respondents

Mr.A.M.Kulkarni h/f. Mr.A.A.Kumbhkoni for appellant.

Mr.Sachin Dhakephalkar for respondent no.2.

Respondent No.1 served.

CORAM: B.H.MARLAPALLE,J.

June 06, 2005.

ORAL ORDER:

1. The agricultural land admeasuring 8 Hectares 80 Ares beating Gat No.677/2B/2 of village Penur in Mohol taluka of Solapur district belonged to Vasant Krishnaji Kulkarni and he purportedly entered into an agreement for sale with the appellant on 16/4/1993 in respect of the said land and the appellant was put in possession of the land. He paid the total consideration of Rs.2,50,000/- by 15/6/1994 and on 21/11/1994 the original landlord died intestate. On 4/8/1995 two daughters of late Vasant Kulkarni and his wife executed the sale deed in favour of the appellant but the third daughter i.e. the respondent no.1 refused to do so. She sold her 1/4th share admeasuring 2 Hectares and 20 Ares to respondent no.2 vide sale deed dated 4/5/1995 and, therefore, the appellant filed Special Civil Suit No.500 of 1995 for specific performance of the agreement for sale dated 16/4/1993. An application for temporary injunction at Exhibit 5 was also filed in the said suit and the learned 4th Jt.Civil Judge

Senior Division at Solapur was pleased to reject the same by the impugned order dated 14/11/1995. This appeal was admitted on 23/11/1995 and in Civil Application No. 6437 of 1995 an order of status quo by way of ad-interim relief was passed. However, on 23/1/1996 the civil application was rejected and thus there was no stay order operating in favour of the present appellant.

2. During the entire period of pendency of this appeal the suit property i.e. agricultural land admeasuring 2 Hectares and 20 Ares is in possession of the respondent no.2 impliedly and, therefore, this appeal deserves to be disposed of by directing the trial Court to hear and decide the pending suit on its own merits within a fixed period.

2A. In the result the appeal is hereby disposed of with direction to the trial Court to hear and decide Special Civil Suit No.500 of 1995 on its own merits as expeditiously as possible but in any case within a period of six months from the receipt of writ from this Court, if the same is not pending. No costs.

(B.H.MARLAPALLE,J.)